

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS CUNNINGHAM,)
Petitioner,)
v.) No. 4:05-CV-1460 CAS
DON ROPER,)
Respondent.)

ORDER

This matter is before the Court on state prisoner Dennis Cunningham's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Audrey G. Fleissig for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On June 17, 2008, Judge Fleissig filed a Report and Recommendation of United States Magistrate Judge which recommended that Cunningham's petition for writ of habeas corpus be denied. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 16]

IT IS FURTHER ORDERED that Dennis Cunningham's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 2]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 14th day of July, 2008.